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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,334	09/19/2001	Hiroshi Kawai	011109	9587

23850 7590 12/19/2002

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

<b>Office Action Summary</b>	Application No. <b>09/955,334</b>	Applicant(s) <b>Kawai</b>
	Examiner <b>Clark F. Dexter</b>	Art Unit <b>3724</b>

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on \_\_\_\_\_.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-3 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2      6)  Other: \_\_\_\_\_

Art Unit: 3724

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed September 19, 2001 (paper no. 2) has been received and the references listed thereon have been considered.

### ***Abstract***

3. The abstract of the disclosure is objected to because in line 7, the use of the term "shooter" appears to be inaccurate and is confusing, and it seems that it should read --chute-- or the like. Appropriate correction is required. See MPEP § 608.01(b). 

### ***Specification***

4. The disclosure is objected to because of the following informalities:

On page 4, line 10, "Figure 4 is a view" is inaccurate and should be changed to --  
Figures 4A-4C are views-- or the like.

Art Unit: 3724

On page 5, line 3, "punch tool 6 is" appears to be inaccurate, and it seems that "is" should be changed to --includes-- or the like; in line 4, it is unclear as to what the term "punch holder" refers; in line 5, "lower turret 4 is" appears to be inaccurate, and it seems that "is" should be changed to --includes-- or the like.

On page 6, line 5, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like.

On page 9, lines 2, 3 and 21, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like; in line 2, "over" appears to be inaccurate, and it seems that it should be changed to --through-- or the like.

On page 10, line 7, the use of the term "shooter" is unclear and confusing, and it seems that it should be changed to --chute-- or the like.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, structural cooperation is not positively set forth between the upper turret and the punches, and it is suggested to simply delete "for" or the like; in line 3, structural cooperation is not positively set forth between the lower turret and the die tools, and it is

Art Unit: 3724

suggested to simply delete "for" or the like; in line 5, structural cooperation is not positively set forth between the punch driving mechanism and the punch tools, and it is suggested to insert --operatively connected to the punch tools-- after "mechanism" or the like.

In claim 2, line 1, the term "shooter" is vague and indefinite, and it seems that it should be changed to --chute-- or the like; in line 2, "the main body frame" lacks antecedent basis; in lines 2-3, structural cooperation is not positively set forth between the lower turret and the main body frame, and it is suggested to simply delete "for" in line 3 or the like.

In claim 3, line 3, "the upper surface level" lacks antecedent basis; in lines 3-4, "the closed state" lacks antecedent basis; in line 4, "the upper surface level" lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3724

7. Claims 1-3, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels, pn 3,839,935.

Daniels discloses a turret punch press with every structural limitation of the claimed invention as best understood from the claims including an opening and closing plate (e.g., 44), which at least partially covers or obstructs the work sheet outlet.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cf  
December 13, 2002